£2-10-0
1509/877

ANIMADVERSIONS

ON THE

SPEECHES

OF

Mr. SAURIN AND Mr. BUSHE,

&c. &c.

By William Smith, Esq.

DUBLIN:
PRINTED AND SOLD BY MARCHBANK,
18, *CHANCERY-LANE.*

1800.

BRITISH MUSEUM
30
62
OCT

ANIMADVERSIONS

ON THE

SPEECHES, &c.

SINCE my Letter to Mr. Grattan went to Preſs, two publications have appeared, purporting to be Reports of Speeches delivered in Parliament, by Mr. Saurin and Mr. Buſhe.*

I ſhall make no apology for animadverting upon both. They relate to a queſtion ſo eaſy to be ſolved, that at an early period I was myſelf induced to undertake its ſolution; I mean the competence of Parliament. And though, when in my Letter to Mr. Grattan I reſumed the diſcuſſion, I hoped to have at laſt "done with the ſubject for ever," † yet I feel it due to the reſpectability of the two names

 which

* The former in the Dublin Evening Poſt of Tueſday, March 11; the latter in the Anti-Union Evening Poſt of Saturday laſt, March 8, 1800. The Speeches are ſtated to have been delivered on the Tueſday preceding.

† Page 81 of Letter to Mr. Grattan.

which I have mentioned, and to the radical importance of the queſtion itſelf, to recur to this beaten topick once again: eſpecially when I recollect what I have obſerved in the firſt page of that letter,* viz. that "no argument ſhould remain untouched, "no objection be left unanſwered, which can throw "light on a matter of ſuch ſingular importance, as "that which now engroſſes the publick mind."

Mr. Buſhe conceives the queſtion, on the motion of Mr. Ponſonby, to be one, compounded of doctrine and of fact. The fact in diſpute he ſtates to be the ſentiment of the Iriſh Nation; and deſcribes the queſtion of doctrine to be, whether the Houſe of Commons ſhould communicate this ſentiment to the Sovereign, (ſuppoſing, for argument ſake, it was aſcertained) by the mode which Mr. Ponſonby propoſed.

And firſt let me be indulged, while I ſay a word as to the *fact*.

If by the publick be meant the mere population of this Country, I am diſpoſed to concede, that ſo far as they have any definite opinion upon the ſubject, it is againſt a Union. But I ſhall never conſent to impoſe upon the Iriſh Houſe of Commons, the at once ſuperfluous and indecent taſk, of not only conveying this ſentiment to the Crown, but alledging it as a ground and motive for action. Whilſt it ſtands recorded in our Statute Books and in our Journals, that Rebellion has raged deſtructively in Ireland, and ſtill ſo rages, that the civil authority of the State is not able to preſerve the peace of the

* To [illegible] Grattan.

30 62 OCT

the Country, but that there is a neceſſity for continuing Military Law, will any Loyal Member of Parliament communicate to the Crown the fermentation of this rebellious maſs, as the publick ſentiment of the Land? The Sovereign needs not to be told, that the diſaffection of Ireland is againſt a meaſure, which manifeſtly tends to the fruſtration of its views. I dare to ſay that not a man, of the thouſands who eſcaped at Vinegar Hill, or maſſacred at Wexford, would heſitate to ſign a petition againſt Union.

But why inform the Crown of what is notorious? His Majeſty knows that all our Traitors are averſe to Union: but the communication becomes worſe than ſuperfluous, if we urge their averſion as a reaſon againſt the meaſure. "Sire—the Rebels of "Ireland diſapprove mortally of Union; and there-"fore Parliament ſhould abandon the meaſure." This is not argument: it is ſedition. If then, by "the ſentiment of the Iriſh Nation," be meant the wiſhes of the United Iriſhmen, I do not ſcruple to conſider their hoſtility to Union, as amongſt the ſtrongeſt arguments for its adoption.

If by the publick ſentiment, be meant that which alone is deſerving of attention,—the opinion of the intelligence and property of the country, I aſſert that this is favourable to Union. Let thoſe who doubt on which ſide the intelligence of the country is enliſted, recal the ſpeeches which they have heard, and the publications which they have read. Let them recollect on which ſide they have met with true ſtatement, fair argument, and conſtitutional maxims;

maxims; and where they have been put off with unfounded aſſertion, fallacious inference, ſubverſive doctrines, and empty declamation. Let them recollect this, and then determine—which ſide of the queſtion is eſpouſed by the intelligence of Ireland.

As to the property,—I will affirm that a majority of it is favourable to the meaſure: that this majority is a vaſt one, if abſentee property be included; and that it is a decided one, at all events. And here let me avow my opinion to be—that though the reſident wealth may be entitled to ſuperior influence, upon a queſtion affecting the internal intereſts of the country in which the holders live, yet it is folly and injuſtice to deny, that the property of abſentees ſhould alſo be thrown into the ſcale, and be allowed conſiderable weight.

In ſupport of this latter branch of my opinion, I would obſerve, firſt, that the expediency or inexpediency of the meaſure now under diſcuſſion, depends on broad, obvious, and permanent principles, on which a man is ſcarcely the leſs qualified to decide, becauſe this diſtracted country has not been the place of his abode: ſecondly, that it cannot be preſumed that abſentee proprietors would be favourable to the meaſure, unleſs they were perſuaded that it tended to tranquillize the country, and render property ſecure; and thirdly, that if this be the effect of Union, it muſt be eminently beneficial. —I for my part ſhould ſooner liſten to the teſtimony of one wealthy abſentee proprietor, than to hundreds of thoſe ſcrawling petitioners, who have no ſtake in the country, and whoſe diſaffection has been

been ſealed in the blood of their loyal fellow ſubjects; —yet whoſe ſignatures are now, with much parade, drawn up in array againſt the declared ſenſe of Parliament.

But waving, for argument ſake, the benefit of this doctrine, let us ſee how the reſident property of Ireland inclines. I ſhall not refer my reader to that diſplay of rank and wealth, which has appeared in print, in ſupport of the meaſure: I ſhall direct his attention to that immenſe majority, which has declared in its favour, in that foyer of national landed intereſt, the Houſe of Lords: a majority thus doubly entitled to attention; both as it evinces the ſentiment of the property of this country,—and ſpeaks the opinion of one independent branch of the Legiſlature: an opinion concurring with that, which the Royal Wiſdom alſo entertains.—Look to the Anti-Union ranks in the Houſe of Commons, and ſee whether ſome of their moſt ſplendid Members, do not derive their conſequence from being expectants of that property, whoſe preſent holders are ſtrenuous advocates for Union.—See whether the vaunters of Anti-Union wealth, are not unfairly attempting to wield againſt us the very property which is enrolled upon our ſide, and trample us with a portion of our proper ſtrength.

Exclude the property which is in the hands of abſentees, and you undoubtedly decreaſe the majority which is for Union; but ſtill leave a decided balance of ſentiment in its favour. Admitting then, for a moment, the unconſtitutional and pernicious doctrine, that the decrees of Parliament require any ſanction from without doors,—what follows? that

as an equal partition of publick ſentiment would leave the legiſlature free, any leaning of external opinion ſhould decide them. Or, to ſpeak ſafer, and more conſtitutional language, as Parliament in deliberating on any publick queſtion, ſhould weigh, as important *evidence*, the ſentiment which prevails abroad, without ſo far abdicating its own ſovereignty, as to ſubmit to it as *law*,—any majority may ſuffice to corroborate their opinion, and add the deſirable, but not indiſpenſible teſtimony of the ſubject, to that of the Legiſlature, on the utility of the meaſure. Thus the caſe would ſtand on general principles; but when we add that Union is peculiarly the project, againſt which prejudice and ambition muſt ſtand formidably in array,—it becomes the more extraordinary, as well as fortunate, that the preponderance of publick ſentiment ſhould be *at all* in its favour: the ſmalleſt majority ſhould be held concluſive demonſtration of its merits; and remove from the minds of any that were in ſuſpenſe, the ſlighteſt ſhade of doubt as to the advantages of the meaſure.

Having thus diſpoſed of the *queſtion of fact*, by ſhewing that the diſapprobation expreſſed by a miſguided and ſeditious populace, affords a reaſon for adopting the plan which they diſapprove,—and that if we liſten only to thoſe who, by having a ſtake of property, intelligence, experienced loyalty, and liberal cultivation, are competent to be heard, and deſerving of attention, we ſhall find the weight of evidence in favour of Union,—having in ſhort defined what is that publick ſentiment to which, without

out

out danger or degradation, the Parliament may lend an ear,—and ſhewn how that ſentiment is on the preſent queſtion, I ſhall proceed, with my friend Mr. Buſhe, to the *queſtion of doctrine*, and enquire whether Parliament ſhould communicate this ſentiment to the Sovereign.—Undoubtedly they ſhould; but not by the mode which Mr. Ponſonby has propoſed.—Every Bill which the Lords and Commons ſend up to Majeſty for its royal aſſent, is a communication of the ſentiment of the nation. Thus and thus only, on a ſubject of legiſlation, can Parliament, by the principles of the Conſtitution, communicate the publick opinion to the Crown.

The ſubject has a right to petition every branch of the Legiſlature: the Commons againſt paſſing a bill; the Lords againſt concurring with it when paſt;—the Crown againſt giving the Royal aſſent to an act which has been carried through both branches of the Legiſlature. But the Houſe of Commons demeans itſelf—when it condeſcends to tranſmit to that merely co-ordinate Legiſlative branch, the Crown, thoſe petitions, which have been ſubmitted to itſelf, and which itſelf is competent to grant, or to refuſe.

Though Mr. Buſhe, in an early paragraph of his ſpeech, denies the enquiry to be "whether the Houſe of Commons ſhould ſurrender its deliberative capacity to the people at large,"—yet in a ſubſequent part he ſeems to perceive, that when ſtripped of all diſguiſes, this is in reality the queſtion. He ſeems to perceive it, when he opens his inveſtigation of "the point of

"doctrine,"

" doctrine," by admitting that " the debate had " *naturally reſolved* itſelf into a queſtion of Parlia- " mentary Competence." — Yes, undoubtedly this was the queſtion; and the only principle on which Mr. Ponſonby's propoſition could be agreed to, would be an inſufficiency of authority in Parliament, to paſs the meaſure without the expreſs ſanction of the people: a principle which at once overturns the balance of our Government, and having plundered the Parliament of ſupreme power, proceeds to lodge it with the people.

This queſtion, as to the abſtract competence of Parliament, which he confeſſes to form the ſubſtantial ſubject of diſcuſſion, Mr. Buſhe declares to be one " on which he has not any doubts: which, he never " has debated, and never will debate;" and as, near the paſſage which I have cited, the context might lead to miſconſtruction, I am happy to have it in my power to explain what the certain conviction was, that Mr. Buſhe intended to announce.—I am happy to know that he has no doubt of the abſtract Competence of Parliament; and to be able thus to reſcue a man, whom I regard, from the imputation of denying that, which cannot be diſputed by any man, who underſtands the Law, and reveres the Conſtitution.

But at the ſame time that I gladly offer this teſtimony in favour of the political principles of my friend, he will be candid enough to pardon me, if I cannot refrain from blaming, as weak, unconſtitutional, and pernicious, that impeachment of the competence of *this* particular Parliament, with which he qualifies his admiſſion

admiſſion of the competence of Parliament in the abſtract.

If the body, which now legiſlates for Ireland, be a Parliament,—it muſt be poſſeſſed of that political omnipotence, which adheres eſſentially and inſeparably to its legiſlative capacity. He who admits unbounded competence to belong to Parliament in the abſtract, muſt either recogniſe ſuch competence in the preſent aſſembly, or deny that this aſſembly is a Parliament. But though Mr. Buſhe's doctrines are more than objectionable, he ſtates them with the fairneſs and preciſion, which becomes a candid and manly character. He does "not infer the incom-"petence of this Parliament to paſs this meaſure, "from the magnitude of ſo vital a queſtion,"—he deduces their incompetence, from the corrupt frame and conſtruction of the Parliament itſelf. The broad principle on which he rears his concluſion of their incompetency, is not merely ſufficient to diſqualify them from concluding Union: it equally ſupports a denial of their authority to ſuſpend the Habeas Corpus Act, or paſs the Martial-Law Bill;—and juſtifies the ſubject in reſiſting thoſe encroachments on his freedom, made by this uſurping, and impurely conſtituted Aſſembly.

I ſhall not deſert the ſpirit, for the mere letter of my friend's argument, or inſult his underſtanding, or that of my other readers---by ſuppoſing that he inferred the Incompetence of the preſent Parliament, not from what he knew himſelf to be its formation—but from what Lord Caſtlereagh aſſerted, and he denied to be the nature of its frame and conſtitution; and thus that his denial of its authority, was merely

conditional and hypothetic. The whole tenor of Mr. Buſhe's ſpeech implies his adoption of the noble Lord's ſtatement, in this reſpect; a ſtatement, the accuracy and truth of which, no man of candour can indeed deny.

But I will aſk wherein conſiſts that diſqualifying mal-formation, that cachexy, which depoſes the preſent Aſſembly from legiſlative power, and by ſtripping it of a competence which is the inherent and characteriſtick privilege of Parliament, proſtrates the happy contrivances of our mixed Government, at the feet of a wild and imperious democracy? Mr. Buſhe will anſwer this queſtion, by informing me that "the Conſtitution of the preſent Parliament is cor-"rupt and venal: that it is a borough Repreſentation, "which requires to be purified."

But he will forgive me, if I enquire, whether when Judge Blackſtone wrote his Commentaries, about the commencement of the preſent reign, and aſſerted the Britiſh Parliament to be abſolute, all-competent and uncontrolled, the conſtitution of that Houſe of Commons, to which he aſcribed ſuch boundleſs authority, was in no reſpect venal or corrupt? was in no degree a borough Repreſentation? Such queſtions, if one may not anſwer, one may however aſk without diſreſpect; and I call on Mr. Buſhe, who is a lawyer, to reconcile that denial of the incompetence of our Parliament to paſs a Union, which he grounds on the defects in its conſtitution,—with Sir William Blackſtone's aſſertion of the omnipotence of a ſimilarly conſtituted Aſſembly.

If my very enlightened and ſagacious friend diſputes

putes Lord Caſtlereagh's account of the preſent ſtate of our Repreſentation, he needs not to be reminded, that he cannot found a denial of the competence of this Parliament, upon a ſtatement which he refuſes to admit as true. In the moment in which he controverts that ſtatement, he muſt feel that he inveſts the preſent Legiſlature with all the Competence, which he has admitted to belong to Parliament in the abſtract.

But if, on the other hand, he is of opinion that the preſent Houſe of Commons* is conſtituted ſo corruptly, is ſo mere a borough Repreſentation, that it ſhould become an exception to the grand theory of our Conſtitution, and preſent us with the monſtrous anomaly of a Legiſlature at once incompetent and ſupreme,—if this be the light in which he views the matter, I will aſk of him, whether he muſt not neceſſarily, and on principle, be an advocate for radical Parliamentary Reform? Undoubtedly he muſt. He muſt feel, that without a ſupreme Legiſlative Authority, there can be no regular Government,—and will be impatient to ſubmit to a thorough purification, that body which he has confeſſed to be too foul and loathſome, to be entruſted with the powers characteriſtick of its ſituation, but of which he would, on account of its unworthineſs, diveſt it,—at the hazard of diſſolving the Government, and giving entrance to all the violence of popular domination.

But I would alſo entreat my very ingenious friend to conſider, whether the principle on which he has founded his argument againſt the Competence of the

* Which he is ſo anxious to preſerve unmodified.

the preſent Parliament, will not, beſides leading him to promote ſchemes of reform, from which we have been uſed to ſhrink as the offspring of Jacobiniſm—oblige him to proceed farther, and embrace the doctrine of Mr. Paine, that a corrupt body is incompetent to reform itſelf. He never will ſuffer this maſs of impurity, this aſſembly which he deſcribes as corrupt, even to impotence,—to lay its polluted hands on the franchiſes of the country,—to meddle with that conſtituency with which it is not in fact connected,—and contaminate the free principles of the Conſtitution at their ſource. He will be uniform and conſiſtent; and diſclaiming the authority of a body ſo degraded, will call on the people at large to ſweep away the abuſes of the government, though by doing ſo he effaces the whole fabrick of our liberties, and ſwears allegiance to a deſpotic mob. In ſhort, he will ſay of Reform, as he does of Union, "that it is a tranſaction "which imperiouſly calls for that ſanction of popular "approbation," which yet is directly repugnant to the principles of our mixed government; "and that no ra-"tional man can expect the plan to ſtand without it."

Let my learned friend weigh theſe conſiderations maturely, (no man is better qualified to form a juſt eſtimate of their importance,) before he perſiſts in his preſent reaſoning, and, adopting the ſtatement which he imputes to Lord Caſtlereagh, "that Union "is to operate as a parliamentary reform," infers that "this Parliament is incompetent to paſs the "meaſure."

I ſhall not deny the ſtatement to be judicious, which deſcribes a proportion merely exceeding one half, as "containing nearly two-thirds of the County

"Repre-

" Repreſentatives,"* nor compare the grounds on which ſome County Members are reported to reſt their oppoſition to Union, viz. a ſacrifice of their own judgment to the inſtructions, (reſulting it may be from local prejudice) of their Conſtituents,—I ſhall not I ſay contraſt theſe grounds with the maxims laid down by conſtitutional writers, that " every " member of the Houſe of Commons, though choſen " by one *particular* diſtrict, when elected and re- " turned ſerves for the *whole* realm: for the end of " his coming thither is not particular, but general; " not barely to advantage *his Conſtituents*, but the " *common*-wealth; and that therefore he is not bound " *to conſult with, or take the advice of his Conſtituents*, " upon any particular point;"† neither ſhall I ſtop to enquire whether Meſſrs. Grattan, Geo. Ponſonby, Saurin, Buſhe, Plunket, and others whom I could enumerate *as diſtinguiſhed opponents* of Union, be County Members, or form part of that borough repreſentation which is ſo contemned; nor detain my reader by examining whether, of the glorious hundred and twenty, (which is inceſſantly reckoned, as if it were feared that ſome of the precious flock might ſtray) a proportion of nearly five ſixths do not ſit for boroughs. I might perhaps be warranted in doubting whether it be perfectly conſtitutional to ſcrutinize the ingredients of which a majority is compoſed, before we decide upon the validity of a bill which they have carried: whether, though the principles of the Conſtitution have ſet Knights and Burgeſſes exactly on a par, we are on every great occaſion to ſift the commons,

* Mr. Buſhe's Speech. † Blackſtone.

commons, and free the county repreſentation from the borough chaff, before we determine how far a ſtatute is entitled to our obedience: whether ſuch a principle might not invalidate a long ſucceſſion of laws, paſſed for aught we know by a mere borough majority, in that Britiſh Parliament, in which of the 558 Members, not more than about a third ſits for counties and cities. I might enquire how many of us humble Burgeſſes are equivalent to the political weight and dimenſions of a county Member. I will however do none of this; but ſhortly cloſe my examination of Mr. Buſhe's doctrines, by obſerving firſt upon that change in the proportion between the county and Borough Repreſentation, which a Legiſlative Union will introduce; and ſecondly, upon that meaſure of compenſation, againſt which ſo great a clamour has been raiſed.

And firſt as to the predominance of county Members in the United Parliament. There is a want of candour, or of judgment, in inferring from ſuch a change of proportion, that the Miniſter who propoſes it, by doing ſo, admits the Repreſentation which is to periſh, to be incurably unſound. ——See how the caſe ſtands. Towards accompliſhing a Union, it is requiſite that the Repreſentation of Ireland ſhould be ſo abridged, as to render it commenſurate to the population and reſources of this country, become (in conſequence of that meaſure) a fraction of the United Kingdom. The queſtion then is, what deſcription of Repreſentatives we ſhould preſerve? a queſtion, which, by reference to obvious principles, can be ſolved; ſince

it

it is plain that in ſuch new ſituation, the ſame compariſon between different claſſes of Repreſentation, may become expedient, which under other circumſtances would be highly unconſtitutional and improper. Such a change of proportion merely determines what common ſenſe had previouſly decided, that ſince only a part of our commons can be retained, that which is drawn from counties, and commercial towns ſhould be preferred: but the alteration is far from implying the ſubverſive doctrine, which ſome would extract from it, viz. that a Parliament in which Borough Members predominates, is on this account incurably unſound; and incapacitated from exerciſing thoſe legiſlative functions, which, if otherwiſe conſtituted, it would be competent to perform. This preference of County Members to the Repreſentatives of boroughs,—a preference juſtifiable on general principles,—is perhaps peculiarly adapted to the ſituation of this country, peculiarly fit to be acted on in Ireland, when a change of political circumſtances obliges us to ſelect from amongſt our Commons, the claſs which we ſhould ſend to the Imperial Legiſlature. But when Mr. Buſhe repreſents "the moſt open of the "boroughs," as preferred in this arrangement, on the ſcore of their conſtitution, though this ſtatement muſt be confeſſed to be the moſt favourable to his denial of the competence of this (according to him iſolated) Parliament,—yet in other reſpects it is liable to objection. That the moſt open of the boroughs will be thoſe which return Burgeſſes to the common Legiſlature, may eventually be the caſe:

but

but it ſhould at the ſame time be recollected, that the nature of their charter will not be the ground of ſuch ſelection; and that the Miniſter, in ſettling the mode of repreſentation, ſo far from acting on a principle which proclaims that, from which Mr. Buſhe infers the incompetence of the preſent Parliament, has on the contrary taken a circumſpect and cautious line, and wiſely refrained from eſtabliſhing a precedent, which might lead to wild and jacobinical Reform.

In eloquence, I admit myſelf far inferior to Mr. Buſhe; and perhaps am even overweening, when I calculate that in point of judgment, we are more nearly on a par: but, in integrity I muſt confidently claim to be his equal.

Having premiſed this—let me declare that the idea of compenſation, which ſo outrages his feelings, does not ſhock my delicacy in the ſlighteſt degree.

What does the very term *compenſation* imply? The ſurrender of an equivalent, by the perſon thus compenſated. Is it not then an abuſe of language, and of common ſenſe, to alledge that men are bribed when, in return for that of which they have been deprived, they receive merely its value, and nothing more?

Sentiments of decorum, and reſpect, may forbid our profeſſing to give entire credit to thoſe rumours, which repreſent ſeats in Parliament as private property,—grown, by long connivance, into objects of venal transfer. But if, conquering theſe reverent ſcruples, we hearken to the report in any degree, we ought to take the whole of it impartially together;

and

and enquire what is the accuſtomed price of that, which is thus ſtated to be bought and ſold. Thoſe who inſtitute this enquiry, may be led to conclude —that the borough proprietor who receives fifteen thouſand pounds from the Legiſlature, for the ſurrender of thoſe privileges, of which he is tenant by ſufferance, and preſcription,—gains abſolutely nothing by the exchange. They may be induced to pronounce, that he receives no more than the current price of that influence for which, if the government was not diſpoſed to buy, he could, (under the operation of inveterate abuſe) without any difficulty, find purchaſers elſewhere.—They may be conſequently led to deny, that he can be unduly influenced by an arrangement, which no more than literally compenſates him for that ſaleable hereditament, which for the publick benefit, is wreſted from his hands.—They may be led to deny, that looking at the tranſaction with mere reference to him, and in a ſtrictly pecuniary point of view, he is placed by Union in a better ſituation, than that in which he ſtood before. Finally, all who inveſtigate the queſtion thus candidly and coolly, will obſerve that it is the general principle of *compenſation*, which is now under diſcuſſion, and againſt which ſo groundleſs an outcry has been raiſed; and will feel that thoſe who object to fifteen thouſand pounds as overpayment, are in fact admitting this principle, and merely higgling about the price.

But, by a confuſion, which I am far from ſuppoſing to be inadvertent, thoſe charges of bias, which are extracted from the principle of compenſation, after

having been very unjuſtly caſt upon the borough proprietor, are by a groſſer perverſion, indiſcriminately thrown on an entire claſs, of whom many have no concern, or privity in the tranſaction; I mean the borough Repreſentatives.

Let me therefore, for the purpoſe of illuſtration, ſuggeſt an hypothetic, and ideal caſe. Let me ſuppoſe that my colleague, Mr. Buſhe, and I—ſat by purchaſe, for a venal borough. What community of intereſt would there be between us, and the proprietor from whom we bought? Or how could our votes be influenced, by the compenſation which he received? Should we not be left unbiaſſed by that propoſal,—which yet is objected to on no other ground, than that of its influencing the conduct of members of Parliament? Would not this be the caſe, though we were, both the one and the other, as corrupt as the fouleſt ſlanderer could chuſe to repreſent us? And could any man be ſurpriſed if that occurred, which as things ſtand, has actually happened,—viz. that we ſhould take oppoſite ſides on the queſtion of Union,—though returned by the ſame patron, for his venal borough?

This Patron's eſtate, if any he had, would be reverſionary: poſtponed, and ſubject to our term of ſeven years: and if the propoſed compenſation were what it is untruly called—a ſcheme of bribery, intended to procure votes for Union,—the plan would be as lame and inadequate, as it was corrupt,—ſo long as thoſe Commoners who purchaſed ſeas, were not allowed their diſtributive portion of this ſtate largeſs.

Perſons

Perſons returned by borough Patrons, not for money, but gratuitouſly, and from motives of confidence and affection, I admit to ſtand on different grounds. I admit a connexion between them, and thoſe proprietors whoſe ſeats they fill. But in ſhewing that compenſation is no bribe, I have proved that the tranſaction which was not calculated immediately to ſway the patron, could not operate mediately to bias the repreſentative; a repreſentative, by the way, connected with this patron by merely honourable ties; and therefore whoſe ſcrupulous regard to theſe, ſhould acquit him of yielding to any influence that was corrupt or baſe; even ſuppoſing that, (of which the contrary is the truth,) viz. that the proprietors title to compenſation would be in any way affected, by the part which he, or thoſe Members whom he could influence, might chuſe to take on the queſtion of Union.

But to return from this view of the ſituation of others, to our conſideration of his caſe, who is the object of compenſation. The arguments of thoſe who object to this meaſure, reſt on the corruption of the borough patron, as their baſis; if you ſuppoſe him incorruptible, their foundation fails; and all their ſpecious reaſoning tumbles to the ground. Examining the queſtion then upon their own hypotheſis, and aſſuming diſhoneſty in the proprietors of boroughs as our datum, I beg to know whether, if compenſation were refuſed, the preſent Parliament might not be conſidered as one packed againſt an Union? one bribed in general to oppoſe every meaſure, which claſhed with the private intereſts of

thoſe borough proprietors, whoſe legiſlative influence is ſo operative and extenſive? If this be ſo, how ſtands the dilemma? Either borough patrons are incorruptible, or they are not: if they be, we may diſmiſs our fears of the influencing and controlling effects of compenſation: if they be not,—we ſhould make the Members of Parliament as *indifferent*, as the law requires every juror to be, before we call on this grand inqueſt to give their verdict, on a queſtion which involves the publick weal. And how are we to accompliſh this? Since it is not in our power to annul thoſe intereſts, which may operate to produce an undue influence againſt Union, we muſt only contrive to check and balance them by contrary advantages—which ſhall create an equivalent bias on the oppoſite ſide,—and eventually leave the Parliament impartial.

It is a known maxim of our law, that the teſtimony of an intereſted witneſs ſhall in no caſe be received; and I have heard determinations, grounded on this principle, which it may not be unilluſtrative to ſtate. I have known preliminary queſtions propoſed to a witneſs, his anſwers to which having demonſtrated a poſitive intereſt, the Court has been for rejecting him as incompetent; but when ſubſequent interrogatories have ſhewn, not that this intereſt did not exiſt on one ſide, but that it was *compenſated* and countervailed by an influence operating in the contrary direction, his teſtimony has been admitted, as diſintereſted and impartial. The application of ſuch deciſions to the queſtion before us, I think obvious.

We

We may undoubtedly lament the prevalence of a practice, ſo repugnant to the theory of our Government, in its repreſentative branch, as that of vending the privilege of legiſlation,—and ſuffering a perſonal and private intereſt to grow up in Parliament, which may happen to encounter, and obſtruct the publick weal.

But the queſtion is not as to the nature or effect, —but merely as to the exiſtence of this abuſe. If any man think it merely a theoretick evil,—of which the miſchief vaniſhes in practice,—I will concede him all the benefits of his doctrine; and only require in return, that he be conſiſtent,—and patiently abide the conſequences of his own ſyſtem: that he deſiſt from diſparaging that claſs of our Repreſentation, whoſe ſhare in legiſlating—he refuſes to conſider as a practical abuſe: that he ceaſe to compliment the County Members at our expence; and to analyſe a Parliamentary Majority into its component parts, before he pronounces the meaſure which it has carried—to be a valid one.

But if the miſchief be not an imaginary, but a real one, I would aſk the clamorous enemies of compenſation, whether they wiſh to perpetuate a ſubſtantial evil,—or, in removing it, to invade the property of individuals, whoſe intereſt in boroughs is as preſcriptive,—as it is perhaps irreconcileable with the genuine principles of our Conſtitution.

In truth the Anti-Unioniſts muſt excuſe me, if I repeat what I have had occaſion to obſerve before,—that inconſiſtency is the grand characteriſtick of their party. Thus, according as it ſuits their

tranſitory

tranſitory purpoſe, boroughs are private property, or they are not. If a Member, who is ſuppoſed to ſit by purchaſe for a venal borough, declares an opinion in favour of Union, he is reminded of the injurious effect which that meaſure will have on the intereſts of the proprietor, by whom he has been returned: it is ſuggeſted to him that his ſeat is but a particular eſtate, carved out of the political inheritance of the borough; and that, ſubject to his own ſeven years term, he is a mere truſtee for the reverſion; and upon theſe grounds he is modeſtly conjured, by the ſcrupulous and patriotick Anti-Union band, to poſtpone the welfare of the publick, to the intereſts of the patron.

But let Unioniſts admit the principle on which theſe patriots have thus inſiſted,—let them admit a property in boroughs to have grown out of immemorial acquieſcence,—and their opponents are inſtantly in arms. Yet what, in truth, is the only difference between them? The principle is admitted both by Government and Oppoſition; but while the latter would ſacrifice to it, no leſs a victim than the common-weal,—the former propoſes to reconcile publick advantage with private intereſt; and without injuring the individual, to give proſperity to the Nation.

To ſecure private property, is indeed one of the moſt indelible, and ſacred duties of every State. Its ſecurity, if Mr. Locke,—and other eminent writers do not err,—was emphatically the object for which ſociety itſelf was framed; and therefore Governments conform laudably to the ends of their

inſtitution,

inſtitution, when they protect even the property which had its remote origin in wrong; and defend not only what they have expreſly guaranteed, but even what they have tacitly endured: ſo far forth as they are able to beſtow this latter protection, without the ſacrifice of paramount, and more eſſential duties.

But who can liſten patiently, when the meaſure of compenſation is deſcribed as a purchaſing of the liberties of the people? Can the practice (if it ſubſiſts) of an individual patron, to ſell the privilege of ſitting in Parliament, be enumerated amongſt the rights of the conſtituent body of the Nation? Is not the abrogation of ſuch a practice, on the terms of compenſating the Uſurper, rather the purchaſe of an old encroachment on the franchiſes of the people? an inveterate impediment to the exerciſe of thoſe rights which they ſhould enjoy?

If ſuch contradictions can be detected, between the theory and practice of our Repreſentation, whatever comfort I may derive from doubting whether the evil be not leſs real than apparent,—(leſs practically than theoretically repugnant to the publick freedom,) I yet cannot look with unconcern on blemiſhes, which ſo deform the Government under which we live: ſtill leſs can I approve, or juſtify their conduct, who for the purpoſe of carrying a mere party end, indulge in thoſe unmeaning common places of declamation, which ſeduce the vulgar by the ſame qualities that diſguſt the man of ſenſe; and thus impair the already too frail allegi-

ance

ance of the ſubject, by a profane and pitileſs expoſure of the defects of our Conſtitution.

I therefore regret the neceſſity which has been impoſed upon me, of diſcuſſing topicks which it were better keep in the ſhade. The wiſe and loyal man, in theſe days of jacobiniſm and ſubverſion, merely probes the fault ſufficiently to preſcribe, and apply the remedy; leſt by any incautious, or ſuperfluous expoſure, inſtead of curing the diſeaſed part, he might deſtroy the Conſtitution.

It is on this account that I feel ſatisfaction in recollecting, and re-urging, that the inquiry is not as to the poſitive, but merely as to the relative excellence of our borough Repreſentation. The queſtion is not whether it is ſo unſound, as that it ought to be aboliſhed, or radically reformed; but merely whether, under that political change of circumſtances, which involves an abridgment of the numbers of our Repreſentatives, we ſhould give the preference to Boroughs or to Counties: a queſtion which can be anſwered in but one way by the Anti-Unioniſt, who ſcorns even to *tell* the Borough Members who oppoſe him, but adopting the faſtidious ſentiment of the Roman Actreſs,—exclaims

Satis eſt Equitem mihi plaudere:

"I will not liſten to the opinion of any, but Knights of the Shire."

Agreeably

Agreeably to the intention which I announced at the commencement of theſe Animadverſions, I ſhall now proceed to animadvert upon the ſpeech of Mr. Saurin;* examining its topicks, not exactly in the order in which they occur,—but diſpoſing firſt of thoſe which ſtrike me as preliminary and of leſſer moment; and reſerving for the laſt, my diſcuſſion of thoſe doctrines, which are rendered important—not by their truth, but by their danger.

The example of the Revolution appears to this learned gentleman, to be in no degree relevant to the queſtion of competence, in the preſent Parliament, to paſs a Union; "inaſmuch as the proceed-"ings of the Legiſlature of that time had the full "aſſent of the people at large."† I deny the fact; and refer to hiſtory in ſupport of my denial. I deny ſuch full aſſent to have been had in England; and ſo far was Scotland from concurring in all the material points of that arrangement, that a ſeparation of the Crowns was ſoon after threatened, in the reign of Anne; about which period, not Revolution principles, but Toryiſm—appears to have been the prevailing diſpoſition of the Engliſh people. And, laſtly, with regard to the publick ſentiment of Ireland, I ſhall only obſerve, that the full aſſent of the Iriſh People to the Revolution, was not unequivocally atteſted by any thing which paſſed at Limerick, at Aughrim, or at the Boyne. Thus hazardous and unſettling, do we find the Doctrines, which affect to reſt the validity of publick acts on

 any

* As publiſhed in the Dublin Evening Poſt of March 11th ult. † Ib.

any other ground, than the ſtrict and recogniſed principles of the conſtitution. Thus dangerous is it to follow the counſels of Mr. Saurin; and inſtead of taking the publick opinion from its only legitimate ſource,—the acts of the legiſlature,—to collect, with him, a ſpurious ſentiment without doors, and ſet up this in oppoſition, and contraſt to the ſenſe of Parliament.

The precedent of that Union, which occurred early in the preſent century, he conſiders as alike inapplicable to the queſtion now before us; and aſks his hearers what analogy there can be found between the paſt Scottiſh, and intended Iriſh incorporation? What reſemblance between the caſe of Scotland in thoſe days,—and that of Ireland at the preſent time? In my mind a reſemblance of even ſingular exactneſs. The end propoſed by the meaſure now in progreſs, is the ſame with that which was ſought by the arrangement of 1707. It was intended then, as it is endeavoured now, to ſecure the fragile and aſſailed connexion of two neighbouring countries, imperfectly united under one common head: Countries inhabited by people ſpeaking the ſame language, formed to ſimilar habits, and whoſe harmony was as mutually ſalutary, as it was precarious: Countries of which one, inferior to the other in power and reſources, ſought to ſtrengthen itſelf by the aid of France, the common enemy of both. He who cannot diſcover even a cloſe and ſtriking likeneſs between the ſituation of Scotland in 1707, and Ireland in 1800, muſt, to my judgment, be very dull, or extremely uninformed. I

had

had myſelf occaſion, in the laſt year, to point out ſome circumſtances of reſemblance: but the ſimilarity has been demonſtrated more ſtrictly and completely, in the preſent ſeſſion of Parliament, by Mr. Ormſby, when he read and commented on the meſſage of Queen Anne.

I ſhall not therefore dwell longer on this ſubject; but proceed without further delay to the conſideration of thoſe maxims, which I conſider as moſt pernicious, in the publication that I am diſcuſſing.

Mr. Saurin appears to have opened his ſpeech by enquiring—upon what authority Lord Caſtlereagh had pronounced that the petitions on our table, ſhould be "treated with inattention and contempt?" In the firſt place, this queſtion imputes to the Miniſter a declaration which he never made; and indeed the charge is contradicted by what Mr. Saurin has, in another part of his ſpeech, laid down as the doctrine promulgated by Lord Caſtlereagh.

The paſſage which I allude to, is as follows—"The noble Lord ſays, the petitions are entitled to "reſpect, and ought to be attended to by the Houſe; "but ſhould not govern the deciſion of Parliament:" he ſays "that Parliament is not *bound* to act agree-"ably to thoſe petitions; but, in determining, is to "take its own wiſdom for its guide."§

Now to me this appears a very liberal admiſſion of the weight to which petitions to Parliament are entitled: an admiſſion as ample as the Miniſter could make, conſiſtently with a reſervation to the Legiſlature, of that ſupreme authority which, (as a fine

§ Mr. Saurin's Speech.

ſine quâ non,) all conſtitutional writers have aſſigned it; and which being wanted, it would preſent us with the practical bull, of a Legiſlature without the power of legiſlation.

But if what Mr. Saurin means to aſk be this,—on what authority we diſpute the title of thoſe petitions on which he relies, to peculiar reſpect or attention from the Legiſlature,—I will refer him, by way of anſwer, to the ſignature of Mr. Black; who addreſſes Parliament on behalf of himſelf and thoſe retainers in arms, whom he repreſents as ready to back their requeſt by force, and unequivocally atteſt their enmity, not to Union, but to Connexion. More expert in the exerciſe of the pike, than of the pen, theſe gallant Anti-Unioniſts reſerve their exertions for the field; and depute the more inglorious taſk of ſignature to their foreman, Mr. Black. The above very conſpicuous feature in theſe terrifick ſupplications is one, by the way, to which I am ſurpriſed at Mr. Saurin's not having adverted; inaſmuch as, before he ſpoke, our attention had been directed to it, by the Solicitor General; who, at the ſame time, paid due tribute to the loyalty and decorum of theſe credentials, preſented to Parliament by the Envoy of Treaſon, Mr. Black.

In truth, Mr. Saurin has himſelf aſſigned ſome reaſons, why theſe ſcrolls, (whoſe prolixity we have ſeen unfolded, with ſo much of political haberdaſhery, and ſtage trick,) ſhould not influence, too concluſively, the deciſion of the Legiſlature.

He has aſſured us that thoſe, whoſe names, in virtue of their forty ſhilling ſtake, have been ſigned

to

to this muſter-roll of faction, and perhaps not even "capable of enquiring into the political "character, or fitneſs, of the candidate" whom they return; though, like Sancho, they feel marvellouſly competent to the government of an iſland.

Mr. Saurin, by this aſſurance, goes further than Monteſquieu himſelf had done. The principle which he laid down, was merely this, that the people at large are quite incapable of diſcuſſing affairs of ſtate; and ſhould therefore poſſeſs no political power, beyond that which conſiſts in their right of electing Repreſentatives: Repreſentatives whom he would not make accountable for their parliamentary conduct, to the electors who had returned them; becauſe this would be contradictory to the maxim which he had laid down, that the multitude is unqualified for deliberating on political queſtions.

But that profound writer held the conſtituent body of the people as diſcerning enough, to form a juſt opinion "of the fitneſs of the candidate" who ſought to repreſent them. It remained for Mr. Saurin to degrade them further; and, by a novel mode of argument to alledge the incapacity which he heaps upon them, as a reaſon for paying implicit obedience to their caprice,—and deferring to whatever doctrines their whim may tempt them to lay down, on matters which Monteſquieu thought them incompetent to diſcuſs.

"The weight of the petitions is to be aſcertained "by the firſt names to them;" for, as to "the "great numbers who ſigned, nothing but the in-

fluence"

"fluence" of theſe eminent names "could have "procured ſo many ſignatures."*

Be it ſo. Let us conſider theſe *great numbers* as mere retinue of the firſt ſubſcribers: the *Gyaſes* and *Cloanthuſes*, who but ſerve to fill up gaps in this political epic: a ſort of etcetera, who proclaim the pomp and authority of their leaders.

But while we admit the juſtice of this ſtatement; let us, for that very reaſon, ceaſe to rely on numbers ſo enrolled. Let us hear theſe great men juſtify, as they can, what we conceive to be reſiſtance to the peace and welfare of their diſtracted Country;—but let us reject the teſtimony of their ſhabby compurgators: let us diſregard the reſponſe and echo, which is reverberated from a throng of names, to the encouraging cry of certain political conductors;—and not pay too much heed to that anxiety for the preſervation of their *independence*, which is expreſſed by thoſe, whom Mr. Saurin has deſcribed to be no better than a herd of creatures and *dependents*.

Thus the caſe would ſtand,—thus weak would be the pretenſions to reſpect, which thoſe petitions could bring on the ſcore of numbers,—though we ſhould merely abide by, and draw our inference from, the ſtatement of Mr. Saurin: though we ſhould forget that the ſtate of Ireland ſupplies additional grounds for liſtening diſtruſtfully to petitions thus numerouſly ſubſcribed: though we ſhould forget that the numbers muſt be ſwelled, and almoſt conſtituted, by thoſe who may be deſcribed as "ex omni colluvione "mixti, exſules, capitalia auſi plerique; quos, velut "materiam,

* Mr. Saurin's Speech.

" materiam novandis rebus, nunc primum nova
" pace coaleſcente, ex variis cauſis fortuna ſimilis
" conglobaverat."*

Theſe are the perſons, whoſe prayers we are called upon, not to grant—but to obey. The greater portion of them yield but ſeemingly to the influence of their ſuperiors, while in reality they are ſeeking to promote their own rebellious ends; and thoſe loyal men who become the advocates and patrons of ſuch a claſs—are but reviving the extravagance of the Knight of la Mancha, and unchaining malefactors, who will uſe their freedom to the injury of their Redreſſers.

But let me now proceed, more directly, to reprehend that moſt dangerous and unconſtitutional doctrine, which Mr. Saurin's poſitions all go to eſtabliſh: I mean that denial of the competence of Parliament to paſs Union, which can only be ſupported on the general principle of their legiſlative incompetence: a principle as miſchievous and abſurd, as it is broad.

This doctrine, (to the pernicious tendencies of which, my reſpect for Mr. Saurin makes me ſuppoſe him blind,) he has introduced under thoſe various forms and diſguiſes, in which his ingenuity enabled him to dreſs it. Firſt, it made its approach in the ſhape of apprehenſion that the people might not ſubmit to the meaſure; thus provoking the reſiſtance, which it ſeemed to deprecate. It next aſſumed the form of that exorbitant reſpect for the petitions of the people, which went to exalt theſe, from the character of ſubjects to that of ſovereigns,

* Livy.

reigns, and gave to their prayers that controlling efficacy, of which it ſtripped the ſtatute law of the land. Thirdly, it came forward as a motion to diſſolve the Parliament; and at length (when theſe Animadverſions, under title of "Further Poſtſcript" to my Letter to Mr. Grattan, had firſt gone to preſs,)

"*Scindit ſe nubes, et in æthera purgat apertum:*"

the doctrine burſts from its concealment, with decided and terrific aſpect; divulging all its danger and deformity to the publick.*

On the firſt form of this Proteus miſchief, I ſhall not comment. Suffice it to ſay that the argument, as applied to the people, is excitement,—and as addreſſed to the Government, is intimidation. The former can only atteſt its perſuaſiveneſs by committing treaſon: the latter can only anſwer it by precautions, or with contempt.

On the ſecond ſhape which this wild theory has taken,—that of unconſtitutional deference to the petitions of the ſubject,—I have already dwelt with ſome attention; and ſhall add little to what I have ſaid, except to ſhew that I have not miſinterpreted, or miſtated my opponent.

I will aſcribe nothing to Mr. Saurin. He ſhall ſpeak for himſelf: ſhall (to prevent miſtakes) repeat his own profeſſion of political faith.

"The noble Lord ſays, the right of the ſubject to "petition Parliament, cannot be denied. Petitions, "according

* See a Report of Mr. Saurin's Speech of March 14, 1800, publiſhed in the Anti-union and Dublin Evening Poſt of Saturday, March 15th, 1800.

" according to his Lordſhip, are entitled to reſpect;
" and ought to be attended to by the Houſe."‡

Such are the (in my judgment very conſtitutional) opinions, as to the weight which petitions ſhould have with Parliament, aſcribed to my Lord Caſtlereagh, by Mr. Saurin himſelf; but which this latter objects to as derogatory from the juſt and proper efficacy of ſuch petitions,—becauſe his Lordſhip has proceeded to preſcribe ſome limits to their authority. His objections are to be found in the following extract from his ſpeech:

" *But* the noble Lord ſays, that Parliament is not
" *bound* to act agreeably to thoſe petitions: they
" ſhould not *govern* their deciſion. For Mr. Saurin's
" part, he was at a loſs to know of what uſe it
" was to the people to have a right to petition, if
" the Parliament were juſtified in acting on their
" *private opinion*, in oppoſition. It was a mockery
" of the Nation, to tell them they had a right to lay
" their opinion before Parliament, but that Parlia-
" ment alſo had a right to act as they pleaſed, not-
" withſtanding the ſenſe of the Nation, expreſſed
" the other way."

" But the noble Lord ſays, the people who have
" ſigned theſe petitions, cannot have weighed the
" queſtion with deliberation; and were not capable
" of judging of it, even if they had." " It was not
" neceſſary" (Mr. Saurin ſaid,) " that they ſhould
" be capable. The nature of a petition proved it.

 " A petition

‡ Mr. Saurin's Speech on Tueſday, March 4, publiſhed in the Dublin Evening Poſt of March 11.

" A petition urged no *reaſons:* it merely ſtated the " *will* of the petitioners. Therefore, when the right " of the ſubject to petition was acknowledged, it " was acknowledged that they had a right to ſtate " to the Parliament, what was the publick will; " without ſhewing the reaſons by which that will " was guided, *or whether it was founded on any* " *reaſons*; and if the right of petition was not *nu-* " *gatory*, and a mockery of the Nation, the Parlia- " ment was *bound* to act agreeably to what the will " of the Nation was;—when plainly and unequivo- " cally expreſſed."*

I ſhall not dwell upon the very extraordinary language, which calls the ſenſe of that Legiſlature, which is the only conſtitutional organ, that *obligatorily* ſpeaks the publick will—which calls this, I ſay, the *private opinion* of Parliament: I ſhall not ſtop to tranſlate into Latin (Lucan has already done it for me,†) that Jacobinic maxim, which, reminding us that petitions urge no reaſons, but merely ſtate the will of the petitioners, concludes miſchievouſly, and abſurdly, that the Legiſlature is *bound* to act agreeably to this will, " whether it be founded on any reaſons," or be utterly irrational.---I ſhall not aſk whether the right of laying your evidence before a court, be *nugatory*, unleſs, uſurping the functions of the judge, you determine your own cauſe. I ſhall not detain my Reader, by enquiring whether it be not of the eſſence of a ſupplication—that it be ſuſceptible of rejection;

* Mr. Saurin's Speech.

† Hoc volo: hoc jubeo: ſtat, *pro ratione, voluntas.*

jection; or whether a mandatory petition be not a contradiction in terms. I ſhall merely remind him that I appear not to have miſconſtrued Mr. Saurin, by repreſenting his obſequious reſpect for the petitions of the people, as a mere formula, in which he denies the competence of Parliament. I ſhall only obſerve, that if petitions ſhould *control*, then Parliament is not *uncontrollable*; which all conſtitutional writers have deſcribed it to be. Wherever the right lies, of effectively promulgating the national will, there alſo the legiſlative power reſides; and if Mr. Saurin's theory be true, that petitions are bills, brought in by the multitude, (without any leave,) and which the inſtrumental Parliament is bound to carry into law,—then our Government is no more a mixed one, than was that of Athens: for it matters not whether the law goes by the name of *ſtatute*, or of *petition*,—the law-giver muſt ever be the ſupreme power in the State.

In fact, my learned opponent breaks from his concealment, when interrupting his devotions to the petitioning Idol that he has ſet up, he apparently, (but not really) *digreſſes* to the Scotch Union; and affirms that if it were carried by the Parliament of Scotland, againſt the ſenſe of the people, theſe latter would have been juſtified in reſiſting.

This poſition, of Mr. Saurin, contradicts in terms the conſtitutional principle, that Parliament ſhall, excluſively and paramountly, expreſs the legiſlative ſenſe of the Nation. It at once transfers the ſovereign power from the three eſtates of the realm, to the people

people in maſs; and, coupled with his aſſumption, that the ſenſe of the people of Ireland is againſt the meaſure of Union, it unequivocally preaches, and authorizes revolt.

I ſhall make no farther comment on this doctrine of Mr. Saurin, than by enquiring whether he conceives the Inſurrection, or Martial-Law Bills, or the Act ſuſpending the Habeas Corpus Law, to have been carried with, or againſt the ſenſe of the great body of the Iriſh Nation? And if contrary to their opinion, whether the people acquired a right of reſiſtance to thoſe meaſures? I ſhall merely aſk him whether, when the Iriſh Houſe of Commons in 1795, rejecting the numerous petitions which crowded their table, refuſed to enact what was termed Catholick emancipation, a right accrued to by the *majority of the people*, of revolting againſt the diſreſpect, with which Parliament preſumed to treat that publick ſentiment, which thoſe petitions had "expreſſed, ſo unequivocally, "and plainly."*

The next form, into which Mr. Saurin's principle of Parliamentary incompetence—tranſmigrates, is that of a motion for addreſſing the Crown to diſſolve the Parliament.‡

It is, undoubtedly, the Royal privilege, to terminate the exiſtence of Parliament, at pleaſure: but to exerciſe this prerogative at the preſent moment, would be to abuſe it; and in calling on his Majeſty to exert it, the Houſe of Commons would abjectly travel out of

* Mr. Saurin's Speech.

‡ Moved by Sir John Parnell, and ſupported by Mr. Saurin.

of its proper province, in order to degrade, and ſtultify itſelf.

No ſolid reaſon can be alledged for diſſolving the preſent Parliament, except ſuch ſerious faults in its frame and conſtitution, as may render it, on momentous queſtions, an inadequate repreſentative of the people; and incompetent (for example) to paſs ſo vital a meaſure, as that of Union. But how is this evil remedied by diſſolution,—if after the preſent Parliament has been diſſolved, it is replaced by another, elected on the ſame objectionable principles? alike imperfectly connected with the people? If he wiſhed to attain the object, at which his motion profeſſed to aim, Sir John Parnell ſhould have prefaced it, by bringing in a bill, for the radical reform of the Houſe of Commons; and if he be not prepared, (as I apprehend he is not) to do this, his project of diſſolution muſt be unſupportable, and inefficacious.

Thoſe who deſcribe the diſſolution of the preſent Parliament, as an appeal to the ſucceeding one, I conſider as talking idly. The preſent is as high a Court, as any future Parliament will be; and there can be no appeal, but from a ſubordinate, to a ſuperior Tribunal.

No; it is an appeal to the Jacobinic feelings, and temporary deluſion of the populace. I have heard of an appeal from the drunkenneſs, to the ſobriety of Philip; but the preſent is a reverſal of that proceeding. It is an appeal from the ſobriety of Parliament, to the wild intoxication of the people.

To whom would Mr. Saurin refer the inveſtigation of this moſt important matter of State? Whom would he

he call upon, to ſubſtitute, (by the exerciſe of their elective franchiſe,) a Legiſlature more capable than the preſent, of diſcuſſing the Union queſtion? He addreſſes himſelf to thoſe, whom the Conſtitution has pronounced incapable of deliberating on publick affairs; and is anxious that the preſent Parliament ſhould make room for one, returned in a principal degree by that claſs of men, whoſe capacity to judge "of the political character, or fitneſs of the candidate," that ſeeks to repreſent them,* he more than doubts; and very nearly denies.

On the very night, on which the motion for diſſolving Parliament was made, the Bill for reviving Martial-Law paſſed. What a comment does this furniſh, on the tendency of that motion! What a picture can the imagination form, of publick inflammation augmented by the tumult of general election! Of the ſheriff ſitting in one court, to collect the ſuffrages of electors, and the military inqueſt of an adjoining one, to inflict puniſhment on traitors! Of the conſtituent, eſcorted from the huſtings, where he gave his vote, to the tribunal under whoſe ſentence he is to expiate his treaſons!—Would a Parliament thus conſtituted be hoſtile to Union? It is to be feared that it might even be friendly to Separation.

Having now got through the four firſt acts of Mr. Saurin's tragedy, (for tragical indeed its effects muſt be,) of the incompetence of Parliament to paſs a Union,—having ſhewn that his analyſis of the revolution, and Scotch Union,—his apprehenſions of reſiſtance to the meaſure, if enacted,—his paſſive obedience to the petitions

* See a paſſage already cited from Mr. Saurin's Speech.

petitions of the people,*—and his propoſal to ſend the populace to new elections,—are all mere complications in that plot, of which the Incompetence of Parliament is the denouement,—let me now make a few obſervations upon this. Denouement, indeed, it may be called; ſince it directly unites the principles which compoſe regular Government, and holds the members of the ſtate together.

"Thoſe great men who aſſiſted in the Revolution "of 1688, had declared that the King held his crown "by compact with the people; and that when the "Crown violated that compact, by attempting to "ſubvert the Conſtitution, the Crown was for-"feited," by the attempt. "He," (Mr. Saurin) "would reaſſert the doctrine of the glorious Re-"volution, and boldly declare that when the So-"vereign" (that is to ſay the ſupreme legiſlative†) "power violated that compact, that moment the "right of reſiſting accrued."

Before

* "Thoſe great men who governed the councils of Queen "Anne, had put down the ſlaviſh doctrines of paſſive obedience: "they had no notion of the doctrines which he was ſorry to ſee "now revived." (Mr. Saurin's Speech of March 13th.) This doctrine of paſſive obedience Mr. Saurin is far from propoſing to aboliſh: on the contrary, he holds Parliament to be implicitly bound to follow the plainly expreſſed, (however irrational) will of the people without doors. He would leave the ſlaviſh doctrine of paſſive obedience in full force; and only wiſhes to change the object of ſervility. The multitude is the tyrant, whoſe chains he deſires to wear. Ariſtotle has ſome where ſaid that there exiſts a ſtrange and cloſe reſemblance between tyrannies and democracies. Both forms of Government he conſiders as deſpotic. Mr. Saurin's Speeches furniſh a reading on theſe principles of Ariſtotle.

† The context of Mr. Saurin's Speech ſhews that Parliament is the power of which he ſpeaks.

Before I proceed to extract that part of Mr. Saurin's ſpeech, § in which the chief and deadlieſt political venom ſeems to me to reſide, I would digreſs ſhortly, to obſerve that this learned gentleman appears to miſtake the principles, and maxims of the Revolution. The contrivers of that great tranſaction were not reſiſting the ſovereign legiſlative power of the State: they were, *on behalf of the Legiſlature*, and in ſupport of the laws, oppoſing thoſe unwarrantable encroachments of the Executive, which, if not checked, would have produced effects ſimilar to thoſe, to which Mr. Saurin's doctrines lead; by depoſing the Legiſlature, and annihilating the Conſtitution. King James uſurped, in favour of the prerogative of the Crown: Mr. Saurin makes his encroachments, for the aggrandizement of the mob. But the doctrines of both alike tranſgreſs the juſt boundaries of the Conſtitution: both make illegal inroads on the ſupreme authority of the State: both ſeek to ſuperſede the legitimate powers of Parliament.

The principles eſtabliſhed in 1688, are beſt aſcertained by a reference to the abuſes, which they were intended to encounter. If any thing ſo unlikely ſhould occur, (but mean time this event ought not to be foreboded,) as an invaſion of the liberties of the Britiſh ſubject, by that Legiſlature, of which one co-ordinate, independent branch is popular, the deplorable right of revolt may accrue to an injured people. But it will flow to them from no principle eſtabliſhed at the Revolution: it will be derived to them from the violated rights of Human Nature.

To

§ Of the 13th of March.

To return to the doctrines of Mr. Saurin. He thus proceeds :—" But ſurely, if there be a right in " the Nation, to reſiſt an unconſtitutional * aſ- " ſumption of power, there could not occur a " ſtronger caſe for the exerciſe of it, than this " meaſure would afford, if carried againſt the will " of the majority of the Nation." He aſſerted " that the petitions on our table proved that the " great body of the people of Ireland was againſt " the meaſure :" that it was a " meaſure, which " the people of Ireland almoſt unanimouſly diſ- " liked ;" and that, " if a Legiſlative Union ſhould " be ſo forced upon this Country, againſt the will " of its inhabitants, it would be a *nullity ;* and re- " ſiſtance to it would be a *ſtruggle* againſt *uſurpation*, " and not a *reſiſtance* againſt *law*."‖

Such are the principles laid down as conſtitutional, by his Majeſty's firſt Council, learned in the law of Ireland. To prevent miſtake, I have ſtated them in his own words: and the remaining comments which I mean to offer, will be few and ſhort; inaſmuch as the doctrines which I have to obſerve upon, are too explicitly avowed, and in my mind replete with danger too apparent, to ſtand much in need of explanation.

It is true, that Mr. Saurin admits it to be diſputed, whether our people be for, or againſt the meaſure. But he makes this admiſſion for (what my

 reſpect

* " An Act of Parliament can never be unconſtitutional, in the " proper acceptation of the term." Paley.

‖ Mr. Saurin's Speech of March 13th, 1800, publiſhed in the Anti-Union Evening Poſt of March 15th, 1800.

reſpect for him forbids me to call) the inſidious purpoſe, of reſorting to a moſt objectionable, and fallacious criterion of the fact: for the purpoſe of inducing Government to diſſolve the preſent Parliament, and thus to ſupply the fuel of a general election, to the ill ſmothered, and already-flaming turbulence of the Country: thus endeavour to infect the Legiſlature with that diſloyalty, which is epidemic without doors; and procure (I truſt the attempt might prove a fruitleſs one) a Houſe of Commons, which ſhould be the quinteſſence of jacobiniſm and diſaffection.

But though he admits the diſlike of the great body of our people to Union, to be a fact, which others controvert,—Mr. Saurin profeſſes to be himſelf convinced of their averſion. In his opinion, the maſs of our population is againſt the meaſure; and therefore he is not ſtating poſſible and imaginary circumſtances, as the mere foundations of an hypotheſis: he is not putting an ideal, but as he conceives, a real caſe, (the actual caſe and circumſtances of Ireland, at this moment,) when he declares that if an Union paſs through Parliament, contrary to the ſenſe of a majority without doors, the meaſure may be legally encountered with reſiſtance.

A Member of Parliament is undoubtedly entitled to urge, in the ſtrongeſt terms, the impolicy of a meaſure which is yet in progreſs,—and has not been enacted into law. But he, to my judgment, abuſes and perverts this privilege, who tells the people that if the law paſs, and they diſreliſh it, they may reſiſt it. In this caſe, if Mr. Saurin be right as to the

publick

publick ſentiment, his IF is a very temporary, and tranſient *peacemaker*; which the Royal aſſent, once given to the meaſure, will do away. His Majeſty's aſſent to Union will ſupply a minor premiſe to the learned gentleman's hypothetic ſyllogiſm; and convert his *conditional* into an *abſolute* encouragement of treaſon.

Therefore, in order to elude the effects of a principle ſo full of inſecurity, and danger,—one which interpoſes ſo thin a partition between anarchy and civil Government,—and diſtorts the features of liberty, to the fierce effrontery of licence,—I refer to the records of Hiſtory, and the theory of our Conſtitution. I compare the ſtatement of the hiſtorian, with the doctrine of the conſtitutional lawyer; and learning from the former, that the table of the Scottiſh Parliament was crowded with addreſſes from counties, boroughs, and at laſt from pariſhes, againſt Union,---and collecting from the latter,* that Parliament was, notwithſtanding, competent to paſs a valid act of incorporation, I am led at once to reject the principles, advanced by Mr. Saurin,—and deny that the populace, either by themſelves, or by their tribunes, have a right to obtrude their prohibitory interceſſions upon Parliament; or claim predominance, (ſtill leſs ſupremacy,) in a mixed Government, ſuch as ours. I am led to deny its being an admiſſible hypotheſis,---a ſuppoſition which can, even for argument, be entertained,---that an Act of Parliament contravenes that publick ſenſe, which the Legiſlature is alone competent to regiſter and declare;---and which

* Blackſtone.

which their Statutes, ſo far from contradicting, muſt proclaim.*

If the peculiar importance of the preſent meaſure be urged againſt me,—if it be ſought to contraſt it with more ordinary exertions of legiſlative power,—for the purpoſe of ſupporting by the contraſt, thoſe doctrines which I oppoſe,—in the *firſt* place, though it were poſſible, (which it is not†) to draw a line, and mark thoſe caſes, which lie beyond the juriſdiction of an all-competent Parliament, I yet muſt refuſe, in any inſtance, or under any pretext, to admit the introduction of a principle, which at once deſtroys the balance of our Conſtitution—and depriving the Legiſlature of its unalienable powers, entruſts to the people, the ſupreme authority of the State. *Secondly*, I muſt maintain, that a blending of our Parliament with that of Britain, which leaves our

* Every Act of Parliament is conſtructively, and by implication and intendment of law, aſſented to by all the members of the community; and ſo laid down to be, by all conſtitutional writers.

† I had occaſion (if I may preſume to quote myſelf) to notice this difficulty, in the Speech which I delivered in Parliament in the laſt year. "But forſooth, it is only upon *extraordinary* occaſions, "that theſe millions of Ephori claim to review the deciſions of "their Sovereign Legiſlature; and deny the Competence of Par-"liament to make laws without their expreſs conſent. That is "to ſay, the populace are, under certain circumſtances, conſti-"tutionally entitled to dictate to their Parliament; *and the ſame* "*populace are to decide whether thoſe circumſtances have ariſen.* "The populace is to reſolve itſelf into a committee of the whole "Nation, to enquire whether the right of popular deſpotiſm "has accrued; and by the report of this Mob, is their title to "be aſcertained."—*Subſtance of my Speech, p.* 45.

our civil liberty not only undiminiſhed, but ſecured, while it expands, over the whole Empire, the political influence of Ireland, however momentous, and grand a meaſure it may be, yet is not one which, towards rendering it valid and effectual, can more require the ſanction of the people, than many other Statutes, which could be mentioned. Not more than an act, which deprives the accuſed of trial by jury,—expoſes him to impriſonment at the arbitrary will of the Government,—or ſubjects him to the deſpotick rigour of Military Law: in ſhort, than the Inſurrection Law; the Suſpenſion of the Habeas Corpus Act; or the Statute which has juſt paſſed, for reviving Martial Law: meaſures, which (under the warrant of that deplorable emergency which diſtinctneſs produced, and Incorporation would remove,) do really effect that, which is untruly aſcribed to Union, and operate a ſurrender of the rights and liberties of Ireland.* *Thirdly*, I muſt affirm the point to be decided, of a power in Parliament adequate to embrace and carry the propoſed meaſure: decided by the authority of that Incorporation, whoſe validity all Conſtitutional Writers recogniſe;† and which an enlightened and patriotick Legiſlature paſſed—diſregarding the biaſſed and

* I am borne out in this aſſertion, not only by comparing the operation of theſe laws, with the proviſions of that foundation of our liberties, Magna Charta,—but by the expreſs words of Blackſtone himſelf, who ſays that by ſuſpending the Habeas Corpus Act, "the nation parts with its liberty for a while." (Vol. 1. p 136.)

† Blackſtone, vol. 1. p. 161.

and tranſitory wiſh,‡ and conſulting only the permanent intereſts of Scotland.

In a word, I muſt laſtly, and reluctantly, pronounce that the man who promulges doctrines contrary to theſe, though his intentions be pure, his talents eminent, and his character reſpectable, as thoſe of Mr. Saurin,—muſt yet be dangerous, in proportion to his influence, as a publick man; ſince he not only miſconceives the principles of the Britiſh Conſtitution, but moſt perniciouſly attempts to undermine that legiſlative ſupremacy, which forms the baſe, without which no regular Government could ſtand.

W. S.

‡ Atteſted by numerous petitions againſt the meaſure.

THE END.